

***A MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD  
FEBRUARY 8, 2007 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

P R E S E N T      Mr. Harry F. Atherton, Chairman; Mr. Raymond E. Graham, Vice-Chairman;  
Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling;  
Mr. Paul S. McCulla, County Administrator; Mr. Kevin J. Burke, County  
Attorney

A B S E N T          None

**AGENDA REVIEW**

The Board of Supervisors reviewed the agenda.

**VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT STATUS  
UPDATE**

David Cubbage, Assistant Resident Engineer of the VDOT Warrenton Residency Office, briefed the Board of Supervisors on the status of specific projects within Board members' Magisterial Districts and reviewed the VDOT 2007-2008 through 2012-2013 Secondary Road Six-Year Plan and the 2007-2008 Fiscal Year Budget.

**A WORK SESSION TO DISCUSS NEEDED IMPROVEMENTS TO BETHEL  
ACADEMY ROADS FOR ACCEPTANCE INTO THE STATE SECONDARY ROADS  
SYSTEM**

Paul McCulla, County Administrator, reviewed the Virginia Department of Transportation's assessment of needed improvements to roads in Bethel Academy subdivision, and discussed potential funding mechanisms for the costs of road improvements.

**A WORK SESSION TO REVIEW THE USE OF PURCHASING CARDS**

Vivian McGettigan, Finance Director, and Sue Monaco, Director of Procurement, reviewed draft amendments to the Procurement Policy to allow the use of purchasing cards.

**A WORK SESSION TO PROVIDE THE BOARD OF SUPERVISORS WITH AN  
UPDATE ON THE ACTIVITIES OF THE FAUQUIER COMMUNITY ALLIANCE FOR  
DRUG REHABILITATION AND EDUCATION (CADRE)**

Tom Harris, Executive Director for the Fauquier Community Alliance for Drug Rehabilitation and Education (CADRE), provided the Board of Supervisors with an update on the activities of the CADRE program.

**A WORK SESSION TO ALLOW REPRESENTATIVES OF THE FAUQUIER COUNTY FIRE AND RESCUE ASSOCIATION TO UPDATE THE BOARD OF SUPERVISORS ON THE STATUS OF CAPITAL PROJECTS**

Tom Marable, President of the Fauquier County Fire and Rescue Association, presented the Board of Supervisors with an update on the status of new and existing capital projects and the associated financing.

**A CLOSED SESSION PURSUANT TO SECTION 2.2-3711(A)(7) TO CONSIDER SETTLEMENT OF A PENDING TAX ASSESSMENT CLAIM BY OAK SPRINGS NURSING HOME LIMITED PARTNERSHIP AND LEGAL ISSUES RELATED TO THE PROPOSED DOMINION 500 KV LINE**

Mr. Atherton moved to go into a closed meeting, pursuant to §2.2-3711(A)(7) of the Code of Virginia, to discuss specific legal matters requiring the advice of legal counsel relating to consideration of settlement of a pending tax assessment claim by Oak Springs Nursing Home Limited Partnership, as well as to discuss legal issues related to the proposed Dominion Virginia Power 500 KV power line, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

Upon reconvening from the closed meeting, Mr. Atherton moved, without objection, to adopt the following certification.

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 8<sup>th</sup> day of February 2007, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

The meeting was reconvened in Regular Session at 6:30 p.m.

### **INVOCATION**

Mr. Graham offered the invocation.

### **PLEDGE OF ALLEGIANCE**

Mr. Jimmy Eustace led the pledge of allegiance.

### **ADOPTION OF THE AGENDA**

Mr. Graham moved to adopt the agenda with the following changes. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

- Add consent agenda item “e”, A Resolution to Authorize the Settlement of the Erroneous Assessment Claim of Oak Springs Nursing Home.

### **CITIZENS' TIME**

- Cheryl Wolf, Lee District, spoke in support of raising property taxes by ten cents in order to fully fund public education initiatives and new School building projects.
- John Griffin, Cedar Run District, spoke on behalf of Fauquier Alliance for Better Schools in favor of increasing property taxes by ten cents for full funding of capital improvement projects requested by the School Division.
- Carina Elgin, Scott District, spoke in support of the Planning Commission’s denial of the cul-de-sac length waiver request and Virginia Pines Preliminary Plat (PPLT07-SC-006). She also spoke in favor of establishing a policy for the County to hold meetings only in ADA compliant and handicapped accessible facilities.
- Merle Fallon, Esquire, representing L&J Property, LLC, requested favorable consideration of the Letter of Appeal of the Planning Commission’s denial of PPLT07-SC-006 and WVRP07-SC-003. He also stated that a recent fatal fire that occurred in the vicinity nearby was less accessible to emergency equipment than the proposed Virginia Pines subdivision. He also stated that neighborhood opposition is not a consideration for a by-right subdivision.

- Ian Abernathy, Scott District, an adjacent property owner, spoke in support of the Planning Commission's denial of the cul-de-sac length waiver request and Virginia Pines Preliminary Plat (PPLT07-SC-006).

## **PROCLAMATIONS AND RECOGNITIONS**

- Mr. Atherton presented a Proclamation declaring March 5 through 11, 2007 as Multiple Sclerosis Awareness Week.

## **CONSENT AGENDA**

Mr. Graham moved to adopt the following consent agenda items. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

## **Approval of the Minutes for the January 11, 2007 Regular Meeting and January 26, 2007 Adjourned Meeting of the Fauquier County Board of Supervisors**

## **A Resolution to Reclassify the Position of Administrative Assistant to Legal Secretary**

### **RESOLUTION**

#### **A RESOLUTION TO RECLASSIFY THE POSITION OF ADMINISTRATIVE ASSISTANT TO LEGAL SECRETARY**

WHEREAS, County Administration currently has an Administrative Assistant position; and

WHEREAS, Paul McCulla, County Administrator, has requested reclassifying the position to Legal Secretary; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 8th day of February 2007, That the position of Administrative Assistant be reclassified to Legal Secretary.

**A Resolution to Authorize Improvements to the Public Safety Radio System**

RESOLUTION

A RESOLUTION TO AUTHORIZE IMPROVEMENTS TO THE PUBLIC SAFETY RADIO SYSTEM

WHEREAS, Public Safety personnel have reported problems of radio coverage in the New Baltimore Area; and

WHEREAS, the Public Safety Committee has reviewed the report of CTA Communications that assessed alternative approaches to addressing this problem; and

WHEREAS, the Committee recommends the additions of a transmission site to be located at Vint Hill; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8<sup>th</sup> of February 2007, That the County Administrator be, and is hereby, directed to work with officials of the Vint Hill Economic Development Authority to determine the availability of the existing communications; and, be it

RESOLVED FURTHER, That the Public Safety Committee recommends this project for funding as a part of the Fiscal Year 2008 Budget process.

**A Resolution for Health Care Budgeting Procedures**

RESOLUTION

A RESOLUTION FOR HEALTH CARE BUDGETING PROCEDURES

WHEREAS, in 1995 the County and School Division combined employee health care under a self-insured program with an agreement that all full-time employees would be budgeted equally and part-time permanent employees would be budgeted on a pro-rata basis; and

WHEREAS, this agreement was never formalized; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8<sup>th</sup> day of February 2007, That each full-time permanent County and School employee will be budgeted equally for health care coverage and each permanent part-time employee will be budgeted equally pro-rata.

**A Resolution to Authorize the Settlement of the Erroneous Assessment Claim of Oak Springs Nursing Home**

RESOLUTION

A RESOLUTION TO AUTHORIZE THE SETTLEMENT OF THE ERRONEOUS ASSESSMENT CLAIM OF OAK SPRINGS NURSING HOME

WHEREAS, Oak Springs Nursing Home limited Partnership filed suit against the County to challenge its 2002 assessment; and

WHEREAS, the County reassessed the subject property at its general assessment in 2006; and

WHEREAS, the 2006 assessment is substantially below the 2002 assessment; and

WHEREAS, Oak Springs has agreed to resolve the claim against the County by accepting the 2006 assessment as the value for effective date of 2002; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8<sup>th</sup> of February 2007, That the County Attorney be, and is hereby, authorized to take such actions as are required to reduce the assessed value of the subject property to the 2006 assessed value through the pending court proceeding.

#### **APPOINTMENTS**

By unanimous consent, the following appointment was approved:

- Route 50 Traffic Calming Committee: Robert Holder Trumbo

#### **A RESOLUTION TO ADOPT THE REVISED NEW BALTIMORE SERVICE DISTRICT PLAN**

Mr. Downey moved to postpone consideration of a resolution to adopt the revised New Baltimore Service District Plan until the next meeting on March 8, 2007. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

#### **A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF JAIME OJEDA**

Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION  
A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION  
EASEMENT OVER THE PROPERTY OF JAIME OJEDA

WHEREAS, Jaime Ojeda has proposed to donate a conservation easement over his property described as PIN-6010-91-1230, consisting of approximately 53.5946 acres, hereinafter “the Property;” and

WHEREAS, the Board of Supervisors has determined that the proposed easement is appropriate, in the public interest, and furthers the goals and objectives of its Comprehensive Plan; and

WHEREAS, the Board of Supervisors has determined that the proposed easement will preserve important agricultural and forestal lands and scenic and natural resources in a manner consistent with the Comprehensive Plan; and

WHEREAS, the Board of Supervisors hereby designates the Property as open-space under the authority granted by Chapter 17 of Title 10.1 of the Code of Virginia, 1950, as amended, the “Open-Space Land Act;” now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8<sup>th</sup> day of February 2007, That the Board finds as follows:

1. That the proposed easement preserves open-space lands in the county pursuant to the goals and objectives stated in the county’s Comprehensive Plan and thereby advances a public purpose of the county; and

2. The restrictions contained in the proposed easement will preserve and protect in perpetuity the open-space values of the Property and will limit the uses of the Property to those uses which are consistent with and which will not adversely affect the open-space values described in the easement; and

3. The proposed easement will provide a significant public benefit to the citizens of Fauquier County and the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That the County Administrator and the County Attorney be, and are hereby, authorized and directed to accept the donation of a conservation easement under those terms generally set forth in the proposed easement attached to the agenda request for this item, subject to such revisions as may be deemed appropriate to the County Administrator and County Attorney.

**A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF PAULA M. NEVINS**

Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

**RESOLUTION**

**A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF PAULA M. NEVINS**

WHEREAS, Paula M. Nevins has proposed to donate a conservation easement over her property described as PIN-6041-01-2387, consisting of approximately 40.0190 acres, hereinafter “the Property;” and

WHEREAS, the Board of Supervisors has determined that the proposed easement is appropriate, in the public interest, and furthers the goals and objectives of its Comprehensive Plan; and

WHEREAS, the Board of Supervisors has determined that the proposed easement will preserve important agricultural and forestal lands and scenic and natural resources in a manner consistent with the Comprehensive Plan; and

WHEREAS, the Board of Supervisors hereby designates the Property as open-space under the authority granted by Chapter 17 of Title 10.1 of the Code of Virginia, 1950, as amended, the “Open-Space Land Act;” now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of February 2007, That the Board finds as follows:

1. That the proposed easement preserves open-space lands in the county pursuant to the goals and objectives stated in the county’s Comprehensive Plan and thereby advances a public purpose of the county; and

2. The restrictions contained in the proposed easement will preserve and protect in perpetuity the open-space values of the Property and will limit the uses of the Property to those uses which are consistent with and which will not adversely affect the open-space values described in the easement; and



3. The proposed easement will provide a significant public benefit to the citizens of Fauquier County and the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That the County Administrator and the County Attorney be, and are hereby, authorized and directed to accept the donation of a conservation easement under those terms generally set forth in the proposed easement attached to the agenda request for this item, subject to such revisions as may be deemed appropriate to the County Administrator and County Attorney.

**A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF VICTORIA L. TERJELIAN**

Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF VICTORIA L. TERJELIAN

WHEREAS, Victoria L. Terjelian has proposed to donate a conservation easement over her property described as PIN-6040-95-4286, 6050-04-9564, 6050-06-9720, consisting of approximately 217.13 acres, hereinafter “the Property;” and

WHEREAS, the Board of Supervisors has determined that the proposed easement is appropriate, in the public interest, and furthers the goals and objectives of its Comprehensive Plan; and

WHEREAS, the Board of Supervisors has determined that the proposed easement will preserve important agricultural and forestal lands and scenic and natural resources in a manner consistent with the Comprehensive Plan; and

WHEREAS, the Board of Supervisors hereby designates the Property as open-space under the authority granted by Chapter 17 of Title 10.1 of the Code of Virginia, 1950, as amended, the “Open-Space Land Act;” now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of February 2007, That the Board finds as follows:

1. That the proposed easement preserves open-space lands in the county pursuant to the goals and objectives stated in the county's Comprehensive Plan and thereby advances a public purpose of the county; and

2. The restrictions contained in the proposed easement will preserve and protect in perpetuity the open-space values of the Property and will limit the uses of the Property to those uses which are consistent with and which will not adversely affect the open-space values described in the easement; and

3. The proposed easement will provide a significant public benefit to the citizens of Fauquier County and the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That the County Administrator and the County Attorney be, and are hereby, authorized and directed to accept the donation of a conservation easement under those terms generally set forth in the proposed easement attached to the agenda request for this item, subject to such revisions as may be deemed appropriate to the County Administrator and County Attorney.

**A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF JAMES M. AND LAUREN C. WHITE**

Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY

WHEREAS, James M. and Lauren C. White have proposed to donate a conservation easement over their property described as PIN-6040-85-6671, consisting of approximately 52.8600 acres, hereinafter "the Property;" and

WHEREAS, the Board of Supervisors has determined that the proposed easement is appropriate, in the public interest, and furthers the goals and objectives of its Comprehensive Plan; and

WHEREAS, the Board of Supervisors has determined that the proposed easement will preserve important agricultural and forestal lands and scenic and natural resources in a manner consistent with the Comprehensive Plan; and

WHEREAS, the Board of Supervisors hereby designates the Property as open-space under the authority granted by Chapter 17 of Title 10.1 of the Code of Virginia, 1950, as amended, the “Open-Space Land Act;” now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of February 2007, That the Board finds as follows:

1. That the proposed easement preserves open-space lands in the county pursuant to the goals and objectives stated in the county’s Comprehensive Plan and thereby advances a public purpose of the county; and

2. The restrictions contained in the proposed easement will preserve and protect in perpetuity the open-space values of the Property and will limit the uses of the Property to those uses which are consistent with and which will not adversely affect the open-space values described in the easement; and

3. The proposed easement will provide a significant public benefit to the citizens of Fauquier County and the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That the County Administrator and the County Attorney be, and are hereby, authorized and directed to accept the donation of a conservation easement under those terms generally set forth in the proposed easement attached to the agenda request for this item, subject to such revisions as may be deemed appropriate to the County Administrator and County Attorney.

**A RESOLUTION TO AUTHORIZE THE EXECUTION OF AN AGREEMENT TO ACQUIRE PROPERTY ADJACENT TO CENTRAL SPORTS COMPLEX AND LEASE PROPERTY TO THE FAUQUIER COUNTY FAIR BOARD**

Mr. Robison moved to adopt the following resolution. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

**RESOLUTION**

**A RESOLUTION TO AUTHORIZE THE EXECUTION OF AN AGREEMENT TO ACQUIRE PROPERTY ADJACENT TO THE CENTRAL SPORTS COMPLEX AND LEASE PROPERTY TO THE FAUQUIER COUNTY FAIR BOARD**

WHEREAS, the Fauquier County Fair Board requires additional land to provide adequate parking and other fair purposes; and

WHEREAS, Fauquier County has agreed to enter into a long-term lease to permit the Fair Board to use a portion of its property; and

WHEREAS, the County requires additional acreage in order to complete the Central Sports Complex; and

WHEREAS, the Rodgers Family Partnership has agreed to convey to the County additional acreage in accordance with the terms and conditions of the agreement attached to the agenda request set forth herein; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8<sup>th</sup> day of February 2007, That the County Administrator and the County Attorney be, and are hereby, authorized to execute the agreements attached to the agenda item set forth herein, subject to such amendments as are deemed appropriate to the County Administrator, to advertise the proposed lease of land to the Fair Board for public hearing, and to take all steps necessary to acquire the land which is to be conveyed to the County pursuant to the agreement.

**A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 5-105 TO CHANGE THE SQUARE FOOTAGE OF ACCESSORY FAMILY DWELLING UNITS AND TO ESTABLISH PERMITTED OCCUPANCY**

Mr. Graham moved to adopt a proposed Zoning Ordinance text amendment to Section 5-105, as initiated by Lee E. Smith and Donna G. Smith on May 30, 2006, to change the square footage of accessory family dwelling units and to establish permitted occupancy. Mr. Stribling seconded, and the vote for the motion failed 2 to 3 as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Richard W. Robison</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

Mr. Atherton then made a motion to deny the aforesaid application of Lee E. Smith and Donna G. Smith to amend Section 5-105 of the Zoning Ordinance to change the square footage of accessory family dwelling units and to establish permitted occupancy. Mr. Downey seconded, and the vote for the motion passed 3 to 2 as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Richard W. Robison</i>
<i>Nays:</i>	<i>Mr. Raymond E. Graham; Mr. Chester W. Stribling</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

**A ZONING ORDINANCE TEXT AMENDMENT TO ADD SECTION 8-1501 TO ALLOW ADDITIONAL SIGNAGE FOR COMMERCIAL AND INDUSTRIAL DISTRICTS UTILIZING ELEMENTS OF TRADITIONAL OR NEO-TRADITIONAL DESIGN**

Mr. Stribling moved to adopt the following Ordinance. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO ADD SECTION 8-1501 TO ALLOW ADDITIONAL SIGNAGE FOR COMMERCIAL AND INDUSTRIAL DISTRICTS UTILIZING ELEMENTS OF TRADITIONAL OR NEO-TRADITIONAL DESIGN

WHEREAS, on October 26, 2006, the Planning Commission initiated this text amendment; and

WHEREAS, on November 30, 2006, the Planning Commission held a work session on the proposed text amendment and forwarded the proposed text amendment to the Board of Supervisors recommending approval; and

WHEREAS, on January 11, 2007, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendment to add Section 8-1501 supports good zoning practices, convenience, and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8<sup>th</sup> day of February 2007, That Section 8-1501 be, and is hereby, added as follows:

**8-1501 Special Permits**

**Notwithstanding the foregoing, the amount, size, and type of signage in Commercial and Industrial Districts may be increased by special use permit in multiple use developments that are pedestrian friendly, and build upon urban design and architectural characteristics of small town Main Street. In issuing such permits, the decision maker shall take into consideration the location of the development, site specific needs for such signage, surrounding uses, the Comprehensive Plan, and good zoning practices, provided, however, that the permitted signage not increase by more than 100%.**

**A RESOLUTION ACCEPTING THE WARRENTON BRANCH GREENWAY AGREEMENT AMENDMENT FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION'S TRANSPORTATION ENHANCEMENT PROGRAM**

Mr. Robison moved to adopt the following Ordinance. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

**RESOLUTION**

**A RESOLUTION ACCEPTING THE WARRENTON BRANCH GREENWAY AGREEMENT AMENDMENT FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION'S TRANSPORTATION ENHANCEMENT PROGRAM**

WHEREAS, the existing Warrenton Branch Greenway has been an unqualified success; and

WHEREAS, the community and Fauquier County Parks and Recreation Department desired to extend the greenway from its present terminus to the Lord Fairfax Community College campus in Fauquier County; and

WHEREAS, Lord Fairfax Community College expressed its support and willingness to cooperate in this venture; and

WHEREAS, the Fauquier County Parks and Recreation Department capitalized upon an opportunity to apply for funding from the Virginia Department of Transportation's Transportation Enhancement Program, also known as TEA-21; and

WHEREAS, the Virginia Department of Transportation has now increased the original Agreement adding \$104,000 to the previous \$102,000 award for a total of \$206,000 for design and construction of that portion of the trail on Lord Fairfax Community College property; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8<sup>th</sup> day of February 2007, That the County of Fauquier does hereby accept the Commonwealth Transportation Board Transportation Enhancement Program Warrenton Branch Greenway Extension Agreement Amendment to add \$104,000 to the original \$102,000 award to design and construct the portion that extends the Warrenton Branch Greenway to Lord Fairfax Community College; and, be it

RESOLVED FURTHER, That the County of Fauquier hereby agrees to serve as the facilitator for the monies being contributed by Fauquier Trails Coalition, and for the in-kind

services contributions as noted in the application that all told equal or exceed the twenty (20%) local match required for the application; and, be it

RESOLVED FURTHER, That the County of Fauquier shall not acquire, or agree to acquire, or agree to accept any donation of, or agree to expend any grant funds to acquire, any real property associated with this project, until it has received an environmental audit of the real property to be acquired by purchase or donation which is acceptable to the Board of Supervisors; and, be it

RESOLVED FURTHER, That the County of Fauquier shall reimburse the Virginia Department of Transportation (VDOT) for its proportionate share of the funds expended by VDOT associated with this project, provided, however, the County's obligation to reimburse VDOT for any funds expended by VDOT shall be subject to appropriation and shall extend only to those funds for which the Board of Supervisors has approved their expenditure; and, be it

RESOLVED FURTHER, That the Virginia Department of Transportation Project Agreement Amendment be, and is hereby, accepted and that the County Administrator be, and is hereby, authorized to execute the document; and, be it

RESOLVED FINALLY, That the Supplemental Appropriation in the amount of \$104,000 be, and is hereby, approved.

**A RESOLUTION TO ESTABLISH A POLICY OF THE COUNTY TO HOLD MEETINGS ONLY IN ADA COMPLIANT HANDICAPPED ACCESSIBLE FACILITIES**

Mr. Robison moved to postpone consideration of a resolution to establish a policy of the County to hold meetings only in ADA compliant, handicapped accessible facilities, until the next regular Board meeting March 8, 2007. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

**A RESOLUTION AUTHORIZING BORROWING BY THE RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD AND AREA AGENCY ON AGING NOT TO EXCEED \$1,000,000**

Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

*Ayes:* **Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling**  
*Nays:* **None**  
*Absent During Vote:* **None**  
*Abstention:* **None**

## RESOLUTION

### A RESOLUTION AUTHORIZING BORROWING BY THE RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD AND AREA AGENCY ON AGING NOT TO EXCEED \$1,000,000

WHEREAS, the Rappahannock-Rapidan Community Services Board and Area Agency on Aging (herein called “Community Services Board”) has been duly organized under the laws of the Commonwealth of Virginia and duly chartered by the Counties of Culpeper, Fauquier, Madison, Orange and Rappahannock (herein called “Charter Counties”); and

WHEREAS, the Community Services Board has an annual budget of approximately \$16,000,000 and employs approximately 375 persons; and

WHEREAS, in providing services to its Charter Counties, the need arises for operating and capital funds by the Community Services Board; and

WHEREAS, Section 37.2-504.11 provides that the Community Services Board shall “[a]pply for and accept loans as authorized by the governing body of the each city or county that established it.”; and

WHEREAS, it is often inconvenient if not logistically impossible to obtain such authorization from each and every Charter County when immediate borrowing needs arise for the Community Services Board; and

WHEREAS, it is necessary and prudent to adopt a borrowing resolution to ensure that the operational expenses and capital needs of the Community Services Board are met in a timely fashion;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the Charter Counties of the Rappahannock-Rapidan Community Services Board and Area Agency on Aging that said agency be hereby authorized to borrow and incur debt obligations from time to time with lending institutions or lenders on such terms and conditions as the Board of Directors of said agency shall from time to time determine; provided, however, that at no time shall all such borrowings and incurred debt under this resolution exceed collectively the principal sum of \$1,000,000.00.



BE IT FURTHER RESOLVED, that this is an authorizing resolution only in accordance with the provisions of Section 37.2-504.11 and shall not be construed to impose any liability or obligation upon any one or more of the Charter Counties adopting this resolution.

BE IT FURTHER RESOLVED, that this resolution shall become effective upon adoption by all of the Charter Counties, namely, Culpeper County, Fauquier County, Madison County, Orange County and Rappahannock County and shall remain in full force and effect until any Charter County shall by further duly adopted resolution withdraw its authorization to this borrowing resolution, but such withdrawal of authorization shall be prospective only and shall not disturb or effect any obligations incurred in accordance with the resolution prior to the date of adoption of such resolution

This resolution may be executed in counterparts by the Charter Counties and such counterparts shall collectively constitute authorization by the Rappahannock-Rapidan Community Services Board to apply for and accept loans not exceeding collectively at any one time the principal sum of \$1,000,000 in accordance with the provisions of Section 37.2-504.11 of the 1950 Code of Virginia, as amended.

Duly adopted by a roll call vote this 8th day of February 2007.

BOARD OF SUPERVISORS OF  
FAUQUIER COUNTY

BY: \_\_\_\_\_  
Harry F. Atherton, Chairman

ATTEST:

\_\_\_\_\_  
Paul S. McCulla, Clerk to the  
Fauquier County Board of Supervisors

Voting aye: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr.  
Richard W. Robison; Mr. Chester W. Stribling  
Voting nay: None  
Abstaining: None  
Absent: None

**A RESOLUTION TO ADOPT A BOARD OF SUPERVISORS' POLICY ON PARCELS 25 ACRES OR SMALLER IN AGRICULTURAL AND FORESTAL DISTRICTS**

Mr. Atherton moved to postpone consideration of a resolution to adopt a Board of Supervisors' policy on parcels 25 acres or smaller in agricultural and forestal districts, until the next regular Board meeting on March 8, 2007. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

**A RESOLUTION TO AFFIRM THE DECISION OF THE PLANNING COMMISSION TO DENY THE VIRGINIA PINES SUBDIVISION PRELIMINARY PLAT (PPLT07-SC-006) AND WAIVER (WVRP07-SC-003) PURSUANT TO ZONING ORDINANCE SECTION 2-406(6), SCOTT DISTRICT**

Mr. Downey moved to adopt the following Ordinance. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

**RESOLUTION**

**A RESOLUTION TO AFFIRM THE DECISION OF THE PLANNING COMMISSION TO DENY THE VIRGINIA PINES SUBDIVISION PRELIMINARY PLAT (PPLT07-SC-006) AND WAIVER (WVRP07-SC-003) PURSUANT TO ZONING ORDINANCE SECTION 2-406(6), SCOTT DISTRICT**

WHEREAS, L&J Property, LLC, applicant for the Virginia Pines Subdivision Preliminary Plat, has proposed to divide one parcel of approximately 204.72 acres into six (6) single-family residential lots, including a non-common open space lot of 174.68 acres; and

WHEREAS, L&J Property, LLC, has shown 174.68 acres as non-common open space as part of the subdivision; and

WHEREAS, Section 4-27 of the Fauquier County Subdivision Ordinance states that due unusual size, topography, or shape or other unusual condition of a property not resulting from the developers deliberate act, a strict compliance with the requirements of this Ordinance would result in extraordinary hardship to the developer; and

WHEREAS, Section 4-27 allows the Planning Commission to vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; and

WHEREAS, Section 7-10 of the Fauquier County Subdivision Ordinance requires grades of streets submitted on subdivision plat shall be approved by the Virginia Highway Department Engineer prior to final action by the agent for the Fauquier County Board of Supervisors and shall be in accordance with the road designs and standards of Fauquier County; and

WHEREAS, Section 9-5 of the Fauquier County Subdivision Ordinance (C) requires an approved Preliminary Soils Report as part of the Preliminary Plat application; and

WHEREAS, Zoning Ordinance Section 2-406(5)(B) further states that the Fauquier County Board of Supervisors shall take into account any scenic and/or historic resources impacted by proposed cluster subdivisions; and

WHEREAS, Zoning Ordinance Section 2-309(6) authorizes the Planning Commission to determine whether lands qualify as open space; and

WHEREAS, Code of Virginia Section 15.2-2286(12) provides “that a locality, may, at its option, provide in its zoning or subdivision ordinance standards, conditions and criteria for clustering of single-family dwellings and the preservation of open space developments...the governing body may, at its discretion, include any provisions it determines appropriate to ensure quality development, preservation of open space and compliance with its comprehensive plan and land use ordinances”; and

WHEREAS, on November 30, 2006, the Planning Commission unanimously denied the Preliminary Plat and cul-de-sac length waiver with stated reasons in its resolution motion; and

WHEREAS, pursuant to Zoning Ordinance Section 2-406(6) the applicant has the right to appeal the Planning Commission’s denial of the Preliminary Plat for a cluster subdivision; and

WHEREAS, the Fauquier County Board of Supervisors has evaluated and considered all evidence presented; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8<sup>th</sup> day of February 2007, That the Board does hereby uphold the decision of the Planning Commission to deny both the Virginia Pines Preliminary Plat (PPLT07-SC-006) and Waiver (WVRP07-SC-003).

### **SUPERVISORS’ TIME**

- Mr. Robison wished everyone a Happy Valentine’s Day.
- Mr. Stribling stated his commitment to continued opposition to the proposed addition of 500 KV power lines, both in the northern region, as well as the southern region of the County.

- Mr. Atherton stated he is firmly opposed to additional power lines in any portion of the County. Mr. Atherton also stated he has asked the County Administrator and the Department of Parks and Recreation to determine if any County park land is eligible for a permanent conservation easement.
- Mr. Graham stated that on February 1, 2007, Board members attended the VACo Legislative Day in Richmond, Virginia, and he believes the Board members held very productive discussions with Delegates on several items, including: the 500-KV power line, conservation easements, inclusion in the PRTC transportation region, the possibility of working with Quantico regarding a sewer plant in Catlett-Calverton-Midland, land use, easements, as well as other issues of interest and concern to the County.
- Mr. Downey stated he believes Fauquier County is well represented in the General Assembly by individuals who are motivated, and who understand and care about the issues. Mr. Downey stated that one of the issues he had discussed during Legislative Day related to the proposed Buckland Bypass, and he believes there is a general consensus that the approach will be to look for ways to solve the transportation problem without building roads through rural conservation areas.

### **ANNOUNCEMENTS**

- Mr. McCulla announced that the next regular meeting of the Board of Supervisors will be held March 8, 2007, at 6:30 p.m., in the Warren Green Building Meeting Room located at 10 Hotel Street in Warrenton, Virginia.
- Mr. McCulla announced that the Board of Supervisors will hold its first Budget Work Session during its next regular meeting on March 8, 2007; he reviewed the complete schedule of the Fiscal Year 2008 Budget Calendar, which is also available for viewing on the County website at [www.fauquiercounty.gov](http://www.fauquiercounty.gov).

### **PROPOSED TEXT AMENDMENT TO THE ZONING ORDINANCE SECTIONS 3-312, 3-313, 3-504 AND 5-1307**

A public hearing was held to consider a Zoning Ordinance text amendment to Sections 3-312, 3-313, 3-504, and 5-1307 to allow rental businesses in various Commercial Districts and Industrial Districts. Kimberley Johnson, Zoning Administrator, summarized the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling*

**Nays:** *None*

*Absent During Vote:*      *None*  
*Abstention:*              *None*

## ORDINANCE

### A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-312, 3-313, 3-504, AND 5-1307 TO ALLOW RENTAL BUSINESSES IN VARIOUS COMMERCIAL DISTRICTS AND INDUSTRIAL DISTRICTS

WHEREAS, on November 30, 2006, the Planning Commission initiated this text amendment; and

WHEREAS, on December 19, 2006, the Planning Commission held a work session on the proposed text amendment and forwarded the proposed text amendment to the Board of Supervisors recommending approval; and

WHEREAS, on February 8, 2007, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendment to Sections 3-312, 3-313, 3-504, and 5-1307 supports good zoning practices, convenience, and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8<sup>th</sup> day of February 2007, That Sections 3-312, 3-313, 3-504, and 5-1307 be, and are hereby, amended as follows:

See Page III-4 for Key																		
	SITE PLAN	RC	RA	RR-2	V	R-1	R-2	R-3	R-4	TH	GA	MDP	C-1	C-2	C-3	CV	I-1	I-2
3-312 COMMERCIAL RETAIL (CATEGORY 12)																		
1. Antique shops less than 3,000 sq. ft.	X		SP	SP	SP								P	P	P	P		
2. Retail sales <b>and rental</b> establishment and shopping center less than 5,000 sq.ft.	X												P	P	P	P		
3. Retail sales <b>and rental</b> establishment and shopping center 5,000 to 20,000 sq.ft.	X												A/SP	P	P	SP		
4. Retail sales establishment and shopping center 20,000 to 50,000 sq. ft.	X												SP	P	P	SP		
5. Retail sales establishment and shopping center more than 50,000 sq. ft.	X													SE	SE			
6. Convenience store	X												P	P	P	SP	SP	
7. Retail sales in conjunction with Category 16 or 17 uses			SE	SE									SP <sup>18</sup>	SP <sup>18</sup>	SP <sup>18</sup>		SP	SP
8. Fuel yard, retail	X													SP				SP
3-313 COMMERCIAL BUSINESS AND PERSONAL SERVICES (CATEGORY 13)																		
1. Kennel/animal shelter	X	SP	SP	SP		SP							SP	P		SP		
2. Veterinary Clinic	X	SP	SP	SP	SP								P	P	SP <sup>18</sup>	SP		
3. Funeral home less than 5,000 sq. ft.	X												P	P				
4. Funeral home more than 5,000 sq. ft.	X												SP	P		SP		
5. Farm supply establishment	X		SP		SP								SP <sup>18</sup>	P		SP		
6. Financial institutions	X												P	P	P	P	SP	
7. Business or Professional Office, less than 5,000 sq. ft.	X												P	P	P	P	P	
8. Business or Professional Office, 5,000 sq. ft. to 20,000 sq. ft.	X												A/SP	P	P	SP	P	
9. Business or Professional Office over 20,000 sq. ft.	X												SP <sup>18</sup>	SP <sup>18</sup>	SP <sup>18</sup>	SP <sup>18</sup>	SP	
10. Business or Professional Office, 6 or less employees	X	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP							
11. Drive-through facility in conjunction with any commercial business	X												SE <sup>18</sup>	SE <sup>18</sup>	SE <sup>18</sup>	SE <sup>18</sup>	SE	
12. Eating esbablishment	X												P	P	P	P	SP	
13. Eating establishment, fast food	X												SP <sup>18</sup>	P	P	SP	SP	
14. Repair service establishment less than 5,000 sq. ft.	X												P	P	P	P	P	
15. Repair service establishment more than 5,000 sq. ft.	X												SP <sup>18</sup>	SP <sup>18</sup>	SP <sup>18</sup>	SP	SP	
16. Laundry/dry-cleaning drop-off, pick-up facility	X												P	P	P	P	P	
17. Laundry/dry cleaners/laundromat more than 5,000 sq. ft.	X												SP	P	P		SP	
18. Laundry/dry cleaners/laundromat more than 5,000 sq. ft.	X												SP <sup>18</sup>	SP	SP		SP	
19. Furniture repair, cabinet making, upholstery, less than 5,000 sq. ft.	X												P	P	P	P	P	
20. Furniture repair, cabinet making, upholstery, more than 5,000 sq. ft.	X												SP	SP	SP		P	
21. Broadcasting studio	X		SP										P	P	P		P	
22. Barber/beauty shop													P	P	P	P		
23. Carpentry, plumbing, electrical, printing, welding, sheet metal shops, less than 5,000 sq. ft.	X												P	P	P	SP	P	P
24. Carpentry, plumbing, electrical, printing, welding, sheet metal shops more than 5,000 sq. ft.	X												SP	SP	SP		P	P
25. Photographic studio	X												P	P	P		SP	
26. Taxidermisty shop	X		SP										SP	SP				
27. Portable Toilet Rental	X													SP			SP	SP

**All Commercial and Industrial Districts**

1. On a corner lot no entrance shall be located closer than sixty (60) feet to the right-of-way line of the intersecting streets.
2. Except where frontage is on a service drive, a freestanding use shall have no more than two (2) entrances on any single right-of-way and such curb cuts shall have a minimum distance of forty (40) feet between them.
3. Except on a cul-de-sac, no entrance shall be located closer than twenty (20) feet to a side or rear lot line unless a common entrance serves adjacent uses, and in no instance shall the distance between entrances serving adjacent land uses be less than forty (40) feet.
4. Outdoor storage and display areas shall be permitted only on the same lot with and ancillary to a permitted, special permit or special exception use. The outdoor area devoted to storage, loading or display of goods shall be limited to that area so designated on an approved site plan.
5. All Commercial and Industrial 1 Districts:
  - A. All outdoor storage and loading areas shall be enclosed by screening, and areas devoted to outdoor display of goods offered for sale or rental shall be screened when such areas abut a residential district at a side or rear lot line or are separated by an alley.
  - B. Motor vehicle storage and impoundment facilities shall be used only for temporary storage of wrecked and/or inoperable and/or abandoned vehicles, but shall not include the dismantling, wrecking or sale of said vehicles or parts thereof. Such storage and impoundment facilities shall be completely screened from view, and shall not be located in any required front yard.
  - C. Servicing of leased items and equipment shall occur in areas completely screened from the public and accomplished without impact to adjacent properties.**
6. All Industrial Districts: Not more than twenty-five (25) percent of the area in a required front yard shall be used for off-street parking and loading, and not less than fifty (50) percent of a required front yard shall be landscaped.

**5-1307     Additional Standards for Rental of Portable Toilets**

**1.     Servicing of portable toilets and trucks shall occur in areas completely screened from the public and accomplished without impact to adjacent properties. Service areas shall be water tight and all waste effluent properly disposed.**

**2.     Current contracts for waste disposal shall be kept filed with the Fauquier County Zoning Department.**

**3.     All trucks shall be licensed and inspected annually by the State Health Department.**

**PROPOSED TEXT AMENDMENT TO THE ZONING ORDINANCE SECTION 8-1401**

A public hearing was held to consider a Zoning Ordinance Text Amendment to Section 8-1401 to allow additional signage for certain commercial businesses in Agricultural District. Kimberley Johnson, Zoning Administrator, summarized the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following Ordinance. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

**ORDINANCE**

**A PROPOSED ZONING ORDINANCE TEXT AMENDMENT TO SECTION 8-1401 TO  
ALLOW ADDITIONAL SIGNAGE FOR CERTAIN COMMERCIAL BUSINESSES IN  
AGRICULTURAL DISTRICTS**

WHEREAS, on November 30, 2006, the Planning Commission initiated this text amendment; and

WHEREAS, on December 19, 2006, the Planning Commission held a work session on the proposed text amendment and forwarded the proposed text amendment to the Board of Supervisors recommending approval; and

WHEREAS, on February 8, 2007, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendment to Section 8-1401 supports good zoning practices, convenience, and the general welfare; now, therefore, be it



ORDAINED by the Fauquier County Board of Supervisors this 8<sup>th</sup> day of February 2007,  
That Section 8-1401 be, and is hereby, amended as follows:

**PART 14**

**8-1400**

**CONSERVATION, AGRICULTURE,  
VILLAGE, RESIDENTIAL AND MOBILE  
HOME ZONES**

**8-1401**

Only the following signs shall be permitted in Conservation, Agriculture, Village, Residential and Mobile Home Zones:

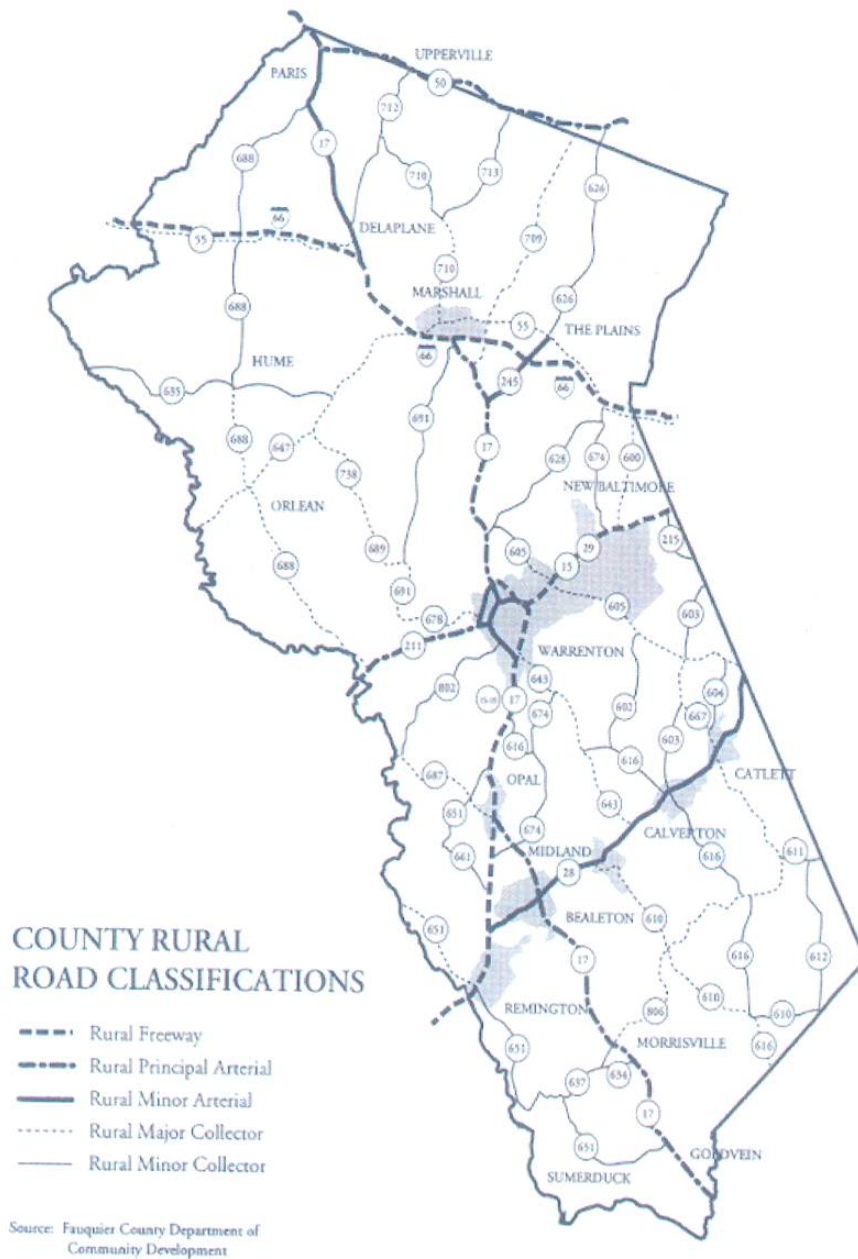
1. Home Occupation Signs: One sign, not exceeding two (2) square feet in area, not illuminated, for the purpose of indicating a home occupation which is permitted under the provisions of this Ordinance. Height not to exceed six (6) feet.
2. Church Bulletin Board: One church bulletin board, not exceeding thirty two (32) square feet in area, when erected or displayed on the property of the church; provided that when a church faces more than one street, one such church bulletin board may be erected or displayed on each street frontage with a maximum of fifty (50) square feet allowed on the property. Height not to exceed ten (10) feet.
3. Identification Signs:  
A. Signage, not exceeding thirty two (32) square feet in area, for the purpose of showing the name and use of any lawful, non residential use within these districts for which other signage standards are not specifically set forth, when such signage is erected or displayed on the property. Home occupations are not such uses qualifying under this subsection. One sign not exceeding two (2) square feet in area shall be permitted for each single family home. Height not to exceed ten (10) feet.  
  
B. Notwithstanding the foregoing, farm supply establishments in Agriculture Districts may, by special permit, increase their signage up to one hundred and fifty (150) square feet, but no more than thirty-two (32) square feet per sign provided they: 1) are located with direct access to a rural principal arterial; and 2) require additional signage for commercial or safety reasons arising out of restricted visibility of the business.
4. Subdivision Sign: One sign, not exceeding twelve (12) square feet in area, in each subdivision entrance for the purpose of advertising or

identifying a housing development or subdivision, when erected or displayed on the property so advertised or identified in conformance with the required building setback line. The total area of all such signs shall not exceed twenty-four (24) square feet. Height not to exceed ten (10) feet.

5. Contractor's Signs: One contractor's sign, not exceeding twelve (12) square feet in area, and one sign for each subcontractor, not exceeding four (4) square feet in area, when erected or displayed on the premises upon which building options are being conducted; provided that such signs shall be removed upon completion of work. Height of freestanding sign shall not exceed ten (10) feet for contractor's sign and six (6) feet for subcontractor.
6. Real Estate Signs for Single Family Homes: One sign, not exceeding six (6) square feet nor six (6) feet in height, for the purpose of advertising the sale, lease or future sale of a single family home, when erected or displayed on the property so advertised. Sign area not to exceed twelve (12) square feet nor exceeding ten (10) feet in height, shall be permitted when such signs are set back at least fifty (50) feet from the front lot line.
7. Off-Street Parking Area or Lot Signs: One sign, not exceeding four (4) square feet in area, at each entrance and exit of an off-street parking area or lot and not conflicting with other provisions of this Article, when erected or displayed on such off-street parking area or lot. Sign shall be limited to indicating regulations in connection with the use of such parking area.
8. Multi-Family Dwelling Sign: Same as for subdivision. Multi-family includes apartments, townhouses, condominiums and other dwellings which are not single-family.
9. Farm Signs: Signs displayed on any farm by the owner or other operator thereof for the purpose of identifying such farm or advertising solely the products thereof. No single sign shall exceed thirty two (32) square feet in area. The total area of all such signs shall not exceed fifty (50) square feet. Height not to exceed ten (10) feet.
10. Lighting and Color for Residential Area Sign: No sign other than Commercial or Industrial may be illuminated by other than indirect lighting with the source thereof so shielded that it illuminates only the face of the sign. The background, border and lettering shall be limited to two colors. Colors shall not be vivid, iridescent or fluorescent.

11. Directional signs are prohibited except those limited to the sale or rental or real estate which shall be used only for the purpose of indicating the location of the property to be sold or rented and except those directional signs to indicate the location of a church or place of worship or hospital or similar medical institution or historical sites. Two such directional signs, not exceeding two (2) square feet in area, each six (6) feet tall, are allowed in every district, provided that the following conditions are met:
  - A. A statement from the owners of the property indicating the consent of the property owner to the erection of the sign shall be filed with the Zoning Administrator.
  - B. In the case of real estate directional signs, a statement from the individual erecting the sign as to the length of time (not exceeding ninety (90) days) that the sign will remain posted shall be filed with the Zoning Administrator.
12. In addition to A, B and C above, a maximum of two (2) directional signs will be allowed per commercial or industrial establishment, including farms from which products are retailed directly to customers provided that:
  - A. A special permit is obtained.
  - B. The establishment is not located on a primary highway.
  - C. The sign contains only the name of the establishment and a directional arrow. The BZA may grant a variance to the size limitation, not exceeding six (6) square feet in cases where two (2) square feet is not of sufficient size due to unusual sign location constraints or roadway configuration.
13. Temporary Signs: Temporary signs, not exceeding fifty (50) square feet in area, announcing a campaign, drive or event of a civic, philanthropic, education or religious organization; provided that the sponsoring organization shall ensure proper and prompt removal of such sign. Such sign may be maintained for a period not to exceed one (1) month. Height limitation not to exceed ten (10) feet. Registration with Zoning Office required.

Map 10.1: County Rural Road Classifications



## **PROPOSED TEXT AMENDMENT TO THE ZONING ORDINANCE SECTION 3-313**

A public hearing was held to consider a Zoning Ordinance Text Amendment to Section 3-313 by adding a new category for psychological and behavioral therapy offices allowed in commercial districts by special permit. Kimberley Johnson, Zoning Administrator, summarized the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

### **ORDINANCE**

#### **A PROPOSED ZONING ORDINANCE TEXT AMENDMENT TO SECTION 3-313 BY ADDING A NEW CATEGORY FOR SEX OFFENDER TREATMENT ALLOWED IN COMMERCIAL DISTRICTS BY SPECIAL PERMIT AND ADDING A NEW SECTION 5-1307 WITH PERFORMANCE STANDARDS**

WHEREAS, on November 30, 2006, the Planning Commission initiated this text amendment; and

WHEREAS, on December 19, 2006, the Planning Commission held a work session on the proposed text amendment and forwarded the proposed text amendment to the Board of Supervisors recommending approval; and

WHEREAS, on February 8, 2007, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendment to Section 3-313 and addition of Section 5-1307 supports good zoning practices, convenience, and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8<sup>th</sup> day of February 2007, That Section 3-313 be, and is hereby, amended and Section 5-1307 added as follows:

#### **5-1307 Additional Standards for Sex Offender Treatment Providers**

1. A special permit shall be required for those providers who offer counseling services which require licensure as a sex offender treatment provider pursuant to 18 VAC125-30-10, as amended. Such services shall not be authorized at locations in proximity to residential neighborhoods, schools, playgrounds, and other locations that potentially pose undue accessibility to children.

See Page III-4 for Key																		
	SITE PLAN	RC	RA	RR-2	V	R-1	R-2	R-3	R-4	TH	GA	MDP	C-1	C-2	C-3	CV	I-1	I-2
3-312 COMMERCIAL RETAIL (CATEGORY 12)																		
1. Antique shops less than 3,000 sq. ft.	X		SP	SP	SP								P	P	P	P		
2. Retail sales <b>and rental</b> establishment and shopping center less than 5,000 sq.ft.	X												P	P	P	P		
3. Retail sales <b>and rental</b> establishment and shopping center 5,000 to 20,000 sq.ft.	X												A/SP	P	P	SP		
4. Retail sales establishment and shopping center 20,000 to 50,000 sq. ft.	X												SP	P	P	SP		
5. Retail sales establishment and shopping center more than 50,000 sq. ft.	X													SE	SE			
6. Convenience store	X												P	P	P	SP	SP	
7. Retail sales in conjunction with Category 16 or 17 uses			SE	SE									SP <sup>18</sup>	SP <sup>18</sup>	SP <sup>18</sup>		SP	SP
8. Fuel yard, retail	X													SP				SP
3-313 COMMERCIAL BUSINESS AND PERSONAL SERVICES (CATEGORY 13)																		
1. Kennel/animal shelter	X	SP	SP	SP		SP							SP	P		SP		
2. Veterinary Clinic	X	SP	SP	SP	SP								P	P	SP <sup>18</sup>	SP		
3. Funeral home less than 5,000 sq. ft.	X												P	P				
4. Funeral home more than 5,000 sq. ft.	X												SP	P		SP		
5. Farm supply establishment	X		SP		SP								SP <sup>18</sup>	P		SP		
6. Financial institutions	X												P	P	P	P	SP	
7. Business or Professional Office, less than 5,000 sq. ft.	X												P	P	P	P	P	
8. Business or Professional Office, 5,000 sq. ft. to 20,000 sq. ft.	X												A/SP	P	P	SP	P	
9. Business or Professional Office over 20,000 sq. ft.	X												SP <sup>18</sup>	SP <sup>18</sup>	SP <sup>18</sup>	SP <sup>18</sup>	SP	
10. Business or Professional Office, 6 or less employees	X	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP							
11. Drive-through facility in conjunction with any commercial business	X												SE <sup>18</sup>	SE <sup>18</sup>	SE <sup>18</sup>	SE <sup>18</sup>	SE	
12. Eating esbablishment	X												P	P	P	P	SP	
13. Eating establishment, fast food	X												SP <sup>18</sup>	P	P	SP	SP	
14. Repair service establishment less than 5,000 sq. ft.	X												P	P	P	P	P	
15. Repair service establishment more than 5,000 sq. ft.	X												SP <sup>18</sup>	SP <sup>18</sup>	SP <sup>18</sup>	SP	SP	
16. Laundry/dry-cleaning drop-off, pick-up facility	X												P	P	P	P	P	
17. Laundry/dry cleaners/laundromat more than 5,000 sq. ft.	X												SP	P	P		SP	
18. Laundry/dry cleaners/laundromat more than 5,000 sq. ft.	X												SP <sup>18</sup>	SP	SP		SP	
19. Furniture repair, cabinet making, upholstery, less than 5,000 sq. ft.	X												P	P	P	P	P	
20. Furniture repair, cabinet making, upholstery, more than 5,000 sq. ft.	X												SP	SP	SP		P	
21. Broadcasting studio	X		SP										P	P	P		P	
22. Barber/beauty shop													P	P	P	P		
23. Carpentry, plumbing, electrical, printing, welding, sheet metal shops, less than 5,000 sq. ft.	X												P	P	P	SP	P	P
24. Carpentry, plumbing, electrical, printing, welding, sheet metal shops more than 5,000 sq. ft.	X												SP	SP	SP		P	P
25. Photographic studio	X												P	P	P		SP	
26. Taxidermistry shop	X		SP										SP	SP				
27. Portable Toilet Rental (PENDING)	X													SP			SP	SP
28. Psychological and Behavioral Therapy Offices Sex Offender Treatment	X												SP	SP	SP	SP		

**REZONING #REZN05-LE-014 AND SPECIAL EXCEPTION #SPEX06-LE-020,  
DONALD R. THARPE, TRUSTEE, AND TOLL LAND X LIMITED PARTNERSHIP,  
OWNERS AND APPLICANTS – COLONIAL CROSSING**

Postponed at the request of the applicant.

With no further business, the meeting was adjourned at 7:33 PM.

*I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on February 8, 2007.*

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*Paul S. McCulla  
Clerk to the Board of Supervisors*